

**Henkel***A Brand like a friend***RECEIVED**

To Mail Stop PCT
Commissioner for Patents
Cc

9 DEC 2004

Fax (571) 273-0459
From

Dept

Legal Staff
International Division

Pages 5 (including cover page)
Date December 9, 2004

Phone (610) 278-4935
Fax (610) 278-6548
E-mail

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Docket No.: H 5336 PCT/US
RE: Gruenewaelder et al.
Application No.: 10/798,162
Confirmation No.: 5098

-
- Request for Correction of Petition Decision Under 37 CFR 1.137(b) (2 pages)
 - Copy of Petition Decision (2 pages)

PATENT

Docket No. H 5336 PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gruenewalder et al.
Appl. No.: 10/798,162
Filed: March 11, 2004
Title: FAST SETTING 1K-POLYURETHANE GLUE
Art Unit: 1714
Examiner:
Customer No.: 00423
Confirm. No.: 5098

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this correspondence is being facsimile transmitted
to the U.S. Patent and Trademark Office at (571) 273-0459

12/9/04
Date

Iris M. Grogins
Signature of Certifier

Iris M. Grogins
Typed or printed name of certifier

Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF PETITION
DECISION UNDER 37 CFR 1.137(b)

We hereby request correction of the Petition Decision
under 37 CFR 1.137(b) for Application No. 10/798,162.

Please correct the following data:

- 1) The filing date should read: --March 11, 2004--.

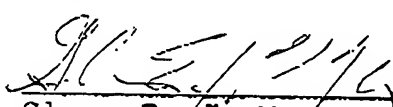
Appl. No. 10/798,162
Docket No. H 5333 PCT/US

- 2) The attorney docket number is: --H 5336 PCT/US--.
- 3) The title is as follows: --FAST SETTING 1K-POLYURETHANE GLUE--.
- 4) The Deposit Account Number is: --01-1250--.
- 5) The corresponding attorney's name is: --Glenn E. J. Murphy--.

It appears from our file that the error is the fault of the Patent Office; thus, Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 01-1250.

We thank you for your assistance in this matter.

Respectfully submitted,


Glenn E. J. Murphy
(Reg. No. 33,539)
Attorney for Applicants
610-278-4926

GEM/img

Henkel Corporation
Patent Law Department
2200 Renaissance Blvd., Suite 200
Gulph Mills, PA 19406

Encl.

1. Petition Decision (copy)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

RECEIVED

NOV 10 2004

HENKEL LAW DEPT.

Glenn E. J. Henkel *MURPHY*
Henkel Corporation
Patent Law Department
2200 Renaissance Blvd., Suite 200
Gulph Mills, PA 19406

In re Application of
GRUENEWAEELDER et al.

U.S. Application No. 10/798,162

Filing Date: 16 June 2004 11 MARCH 2004

Attorney Docket No. 01107.00482 H 5336 PCT/US

For: PHOSPHATE ASSOCIATED WITH

METASTASIS

FAST SETTING 1K-POLYURETHANE GLUE

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "Resubmission of Petition to Revive Abandoned International Application" which is being treated as a Petition under 37 CFR 1.181 and a Petition to Revive under CFR 1.137(b) filed 01 November 2004 in the above-captioned application. The petition fee under 37 CFR 1.17(m) has been charged to Deposit Account no. 04-0088. 01-1250

BACKGROUND

On 13 August 2002, applicant filed international application PCT/EP02/09049 which claimed a priority date of 16 August 2001. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the international filing date, 09 February 2004.

On 11 March 2004, applicant filed a specification, drawings, unexecuted declaration and a itemized postcard receipt.

On 01 November 2004, applicant filed "Resubmission of Petition to Revive Abandoned International Application" which included a copy of the Petition to Revive under 37 CFR 1.137(b) and a postcard receipt.

DISCUSSION

A. Petition under 37 CFR 1.181

Applicant states in their present petition that a Petition to Revive under CFR 1.137(b) was received at the United States Patent and Trademark Office on 11 March 2004. A review of the present application reveals that the Petition to Revive under CFR 1.137(b) is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

U.S. Application No.: 10/798,162

2

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant, title of invention, and attorney docket number. The receipt itemizes, among other things, a Petition to Revive. The receipt is stamped by the United States Patent and Trademark Office across its face is sufficient to indicate that the above items were in fact received in the Office on 11 March 2004.

B. Petition to Revive under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has supplied the proper reply in the form of the filing of a continuation application.

As to item (2), the petition fee has been submitted.

~~With regard to Item (3), applicant's statement that "entire delay in filing the 35~~
U.S.C. 371(c) requirement from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicant's petition to revive for the purposes of continuity only is GRANTED.

International application PCT/EP02/09049 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

*** RX REPORT ***

RECEPTION OK

TX/RX NO	7636
RECIPIENT ADDRESS	6102786548
DESTINATION ID	
ST. TIME	12/09 10:13
TIME USE	01'34
PGS.	5
RESULT	OK